

Message Text

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TAGS: SOPN, OVIP (KISSINGER)

SUBJECT: PRESS MATERIAL

1. HERewith FULL TEXT WASHINGTON STAR EDITORIAL THURSDAY
DECEMBER 30 HEADED "DR. KISSINGER'S SECRETS."
2. THE DISPUTE NOW DEVELOPING BETWEEN DR. HENRY KISSINGER
AND THE REPORTERS COMMITTEE ON FREEDOM OF THE PRESS OUGHT
TO BE AVOIDED. DR. KISSINGER, OF COURSE, HAS STRUCK A
DEAL FOR THE DISPOSITION OF HIS PUBLIC PAPERS. HE IS DO-
NATING THEM (AND, TO AVERT A SUB-CONTROVERSY, TRANSCRIPTS
OF HIS TELEPHONE CONVERSATIONS) TO THE LIBRARY OF CONGRESS,
WITH THE PROVISIO THAT HE WILL CONTROL ACCESS TO THEM FOR
25 YEARS OR UNTIL FIVE YEARS AFTER HIS DEATH, WHICHEVER
IS LONGER.
3. THIS IS OBVIOUSLY NOT AN IDEAL ARRANGEMENT FROM ANY-
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ONE'S POINT OF VIEW; SUCH ARRANGEMENTS SELDOM ARE. DR.
KISSINGER, HAVING ALREADY MOVED HIS WHITE HOUSE RECORDS TO
THE ROCKEFELLER ESTATE IN NEW YORK AND BACK AGAIN, WOULD
PROBABLY PREFER TO CARRY HIS PAPERS AWAY WHEN HE LEAVES
THE STATE DEPARTMENT AND TO ENJOY UNCONDITIONAL CONTROL
OVER THEM. HISTORICALLY SPEAKING, THIS WAS NOT AN

UNCOMMON-AND CERTAINLY NOT AN ILLEGAL-ARRANGEMENT FOR DEPARTING CABINET MEMBERS.

4. ON THE OTHER HAND, THE REPORTERS AND INSTANT HISTORIANS, IN DISREGARD OF SIR WALTER RALEIGH'S WISE ADVICE ("WHOEVER SHALL FOLLOW TRUTH TOO CLOSE AT THE HEELS, IT MAY HAPLY STRIKE OUT ALL HIS TEETH"), WOULD LIKE TO PLUNDER DR. KISSINGER'S SECRETS AS OF JANUARY 21ST. THEY TAKE KEEN EXCEPTION EVEN TO THE 25-YEAR RESTRICTION AGREED TO BY THE LIBRARIAN OF CONGRESS. THEY ESPECIALLY OBJECT TO THE EMBARGO ON HIS RECORDED TELEPHONE CONVERSATIONS AND ARE THINKING OF FILING A LAW SUIT UNDER THE FREEDOM OF INFORMATION ACT.

5. THE CONFLICT OUGHT, AS WE SAY, TO BE AVOIDABLE, ESPECIALLY IF IT TAKES THE FORM OF LITIGATION. THERE OUGHT TO BE ENOUGH NEGOTIABLE POINTS TO SATISFY EVERYONE. SECRETARY KISSINGER, HIMSELF A HISTORIAN BY TRADE, OUGHT TO UNDERSTAND THE CRAVING FOR DOCUMENTS AMONG HIS PROFESSIONAL COLLEAGUES AND NOT OBSTRUCT IT NEEDLESSLY. HE IS REPORTEDLY EXPECTED TO FINISH HIS MEMOIRS OF THE WHITE HOUSE AND STATE DEPARTMENT YEARS BY LATE 1978. AFTER THAT, HE SHOULD BE WILLING TO ALLOW SUFFICIENT ACCESS TO THE PAPERS SO THAT RESPONSIBLE JOURNALISTS AND HISTORIANS MAY RUN DOCUMENTARY CHECKS OF HIS JUDGMENTS AND CONCLUSIONS.

6. IN GENERAL, DOCUMENTS BEARING ON THE FOREIGN RELATIONS OF THE U.S., INCLUDING SENSITIVE AND POTENTIALLY EMBARRASSING CONTACTS WITH FOREIGN OFFICIALS, HAVE A UNCLASSIFIED

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SPECIAL CLAIM TO A FIXED PERIOD OF CONFIDENTIALITY. IN BRITAIN, FOREIGN OFFICE RECORDS ARE CLOSED FOR 30 YEARS; IT WAS NOT LONG AGO THAT THE EMBARGO EXTENDED TO 50 YEARS. IT SEEMS OBVIOUS TO US (AS TO MANY PROFESSIONAL ARCHIVISTS, WHO ARE BY NO MEANS AS DOGMATIC AS SOME HISTORIANS AND REPORTERS ON THE ISSUE) THAT REASONABLE CONFIDENTIALITY HAS MUCH TO BE SAID FOR IT. IT FACILITATES CANDID CONSULTATION AND POLICYMAKING; IT PROTECTS REPUTATIONS AGAINST HASTY, SHALLOW AND SENSATIONALIST REVELATIONS AND MISUNDERSTANDINGS; AND IT ENCOURAGES PUBLIC OFFICIALS TO KEEP FULL RECORDS OF THEIR YEARS IN OFFICE, FREE OF THE FEAR THAT EMBARRASSING DISCLOSURES WILL FLOW THE MOMENT THE POLITICAL OPPOSITION GETS THE KEY TO THE ARCHIVES.

7. A LAW SUIT IS THE LEAST DESIRABLE OF ALL CONCEIVABLE WAYS TO SETTLE A COMPLEX ISSUE OF THIS KIND. THE CATEGORIES OF LAW PROVIDE A COARSE SIEVE FOR SIFTING

PUBLIC DOCUMENTS. SO UNLESS SECRETARY KISSINGER BECOMES EXCEPTIONALLY SECRETIVE ABOUT HIS PAPERS, EVEN THOSE WANTING IN SENSITIVITY, PERHAPS THE REPORTERS COMMITTEE WILL THINK BETTER OF GOING TO COURT.

8. AFTER ALL, IT IS BY NO MEANS CERTAIN THAT THE COURTS WOULD OVERRULE DR. KISSINGER'S DISCRETION AND ALLOW OTHERS ENTREE TO HIS PAPERS. THE NIXON PAPERS AND TAPES OF WHICH CONGRESS HAS SEIZED SPECIAL CUSTODY AND ON WHICH A CASE IS PENDING NOW BEFORE THE SUPREME COURT, LIE IN A SPECIAL CATEGORY. THEY BEAR ON "HIGH CRIMES AND MIS-DEMEANORS" IN OFFICE. IT WOULD BE RISKY TO ASSUME, WHATEVER THEIR ULTIMATE DESTINY, THAT IN THE EYES OF THE LAW IT IS SOON TO BE OPEN SEASON ON ALL THE CONFIDENTIAL PAPERS OF DEPARTING PUBLIC OFFICIALS.
ROBINSON

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